IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 5TH JANUARY 2007 / 15TH PAUSHA 1928

Crl.MC.No. 747 of 2004()

CC.1/2004 of JUDL.MAGISTRATE OF FIRST CLASS COURT -I, ALAPPUZHA

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PETITIONER:

GOPALAKRISHNAN S/O. ANANDAKRISHNAN,
HOUSE NO.41, ARUNDALE, KALADSHETHRA ROAD,
BEACH ROAD, CHENNAI-20, HYDRA IMPEX PVT.LTD.,
NO.7-1ST FLOOR, 22ND CROSS STREET, INDIRA NAGAR,
CHENNAI 660 020

BY ADV. SRI.K.RAVU
SRI.VISHNU.R

RESPONDENTS:

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1. FR.CHACKO, KANJOOPARAMBIL SDB,
PROPRIETOR, M/S. DOUBOSCO OUT BOARDS,
KANJIRAMCHIRA, ALAPPUZHA.

2. KERALA STATE, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM

BY ADV. SRI.JOE JOSEPH KOCHIKUNNEL
SRI.ANIYAN JOSEPH
PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 05/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.747 of 2004

Dated this the 5th day of January 2007

O R D E R

This petition is filed by the petitioner with a request to invoke the powers under Section 482 Cr.P.C to quash the criminal complaint filed against him by the respondent herein. The learned Magistrate has taken cognizance of the offences punishable under Sections 465 and 420 I.P.C against the petitioner on the basis of the private complaint filed by the complainant. A copy of the complaint is produced as Annexure A1. The sworn statement of the complainant is produced as Annexure 2.

2. The crux of the allegations against the petitioner is that he induced the complainant to part with an amount of Rs.33,00,000/- in June 2003. The amount was made available as price for marine engines which the petitioner agreed to supply to the respondent/complainant. The crux of the allegations is that the petitioner did not make available the marine engines, as promised. It was realised that he was not a distributor of M/s.Suzuki Motor Corporation as represented by him. The complainant was convinced that the purpose of the petitioner

was to make false representations solely with the intention of inducing him to part with money. The cheques issued were dishonoured. The amount was not paid. A blank cover was sent to inform the complainant that a demand draft for the amount was being sent along with that. All these cumulatively convinced the complainant that the petitioner's intention right from the beginning was only to defraud and deceive the complainant and to induce him to part with money. It is, in these circumstances,that the complaint was filed.

3. The prayer of the petitioner is that the proceedings may be quashed by invoking the powers under Section 482 Cr.P.C. It cannot be held that the allegations, if accepted, do not reveal the offences punishable under Section 420 I.P.C. In these circumstances, in any view of the matter, I am satisfied that this petition is without any merit and deserves to be dismissed. There is no representation for the petitioner or the respondent when the matter came up for hearing.

In the result, this Criminal Miscellaneous Case is dismissed.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006